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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,662	11/09/2000	Michael A. Bobbit	12866ROUS01U	3162

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CANADA

EXAMINER

NALVEN, ANDREW L

ART UNIT PAPER NUMBER

2134

DATE MAILED: 03/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/708,662

Applicant(s)

BOBBITT, MICHAEL A.

Examiner

Andrew L Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14, 23, 24, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 6-10, 15-22, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-28 are pending.

#### *Claim Objections*

2. Claim 25 is objected to because of the following informalities: The claim contains the typo "unites." Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Weiant et al US Patent No 6,044,350. Weiant discloses a certification meter system.
5. With regards to claim 1, Weiant teaches a certificate for public key infrastructure (Weiant, column 2 lines 62-64) where the certificate validity is determined by the amount of cipher text associated with the certificate (Weiant, column 4 lines 40-51, column 4 line 62 – column 5 line 10).

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6. With regards to claim 2, Weiant teaches that if the amount of ciphertext is below a predetermined value the certificate is valid (Weiant, column 5 lines 1-10) and when it reaches the predetermined value it is invalid (Weiant, column 4 lines 65-67).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiant et al US Patent No 6,044,350 in view of Grimmer US Patent No 5,774,552.

9. With regards to claims 3-4, Weiant teaches the certificate validity being based on the elapsed time (Weiant, column 4 lines 57-60), but fails to teach the validity also dependent on the revocation status. Grimmer teaches the validity based on the revocation status (Grimmer, column 6 lines 28-34). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Grimmers' method of determining validity based on revocation status because it offers the advantage of allowing a user to authenticate the validity of a public key (Grimmer, column 1 lines 28-45).

10. With regards to claim 5, Weiant as modified teaches compatibility with the X.509 standard (Grimmer, column 6 lines 36-57).

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11. Claims 11-14, 23-24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiant et al US Patent No 6,044,350 in view of Hillier et al US Patent No 6,055,636.

12. With regards to claims 11, 27, and 28, Weiant discloses determining a certificate cipher text entitlement (Weiant, column 4 lines 4-9 and 23-25, column 2 lines 23-41), calculating a generated cipher text index (Weiant, column 5 lines 1-3), performing a certificate cipher text threshold detection step (Weiant, column 4 lines 63-67), and determining if the generated cipher text index reaches or exceeds the certificate cipher text entitlement (Weiant, column 4 lines 63-67), but fails to teach the causing of a key update. Hillier teaches the updating of a public key private key pair due to a certificate being invalid (Hillier, column 2 lines 2-7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hillier's method of updating keys because it offers the advantage of helping ensure that certificates are reliable.

13. With regards to claims 12-13, Weiant as modified teaches the key update implemented as an immediate rollover of the certificate (Hillier, column 2 lines 47-65).

14. With regards to claims 14 and 24, Weiant as modified teaches the key update occurring at next login (Hillier, column 2 lines 40-54).

15. With regards to claim 23, Weiant as modified teaches the step of performing a certificate cipher text entitlement threshold detection being performed each time decryption takes place (Weiant, column 4 lines 40-51 and 62-65).

***Allowable Subject Matter***

16. Claims 6-10, 15-22, and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

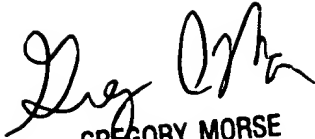
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ALN

  
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